

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Demetrius Brady,

Plaintiff,

No. 10-12088

v.

Hon. Nancy G. Edmunds

David Stone, an individual, John Johnson,
an individual.

Defendants.

_____ /

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Demetrius Brady filed suit against Defendants David Stone and John Johnson in the Circuit Court for the County of Oakland. Defendants filed a notice of removal to this Court on May 25, 2010. Defendants' notice for removal is timely under 28 U.S.C. § 1446.

While alleged violations of 42 U.S.C. § 1983 and the U.S. Constitution are cognizable in this Court pursuant to 28 U.S.C. § 1343, Plaintiff's complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1367(c), all of plaintiff's state law claims including, without limitation, gross negligence (Count I), intentional infliction of emotional distress (Count II), and assault and battery (Count III) are hereby REMANDED to

Oakland County Circuit Court. This court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 14, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 14, 2010, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager